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Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 21-90 are pending in the application, with 21, 35, 49, 63, and 77 being the independent claims. Claims 21, 30-32, 34, 35, 44-46, 48, 49, 58-60, 62, 63, 72-74, 76, 77, 86-88, and 90 are amended. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Drawings

The Examiner has indicated that the drawings filed on May 4, 2001 are only acceptable for examination purposes. Accordingly, Applicants have included with this reply a submission of formal drawings to replace the drawings submitted on May 4, 2001.

Rejections under 35 U.S.C. § 112

The Examiner has rejected claims 30-32, 34, 44-46, 48, 58-60, 62, 76, 86-88, and 90 under 35 U.S.C. § 112, second paragraph, as being indefinite for insufficient antecedent basis. (See Office Action, page 2-3). Applicants have amended claims 30-32, 34, 44-46, 48, 58-60, 62, 76, 86-88, and 90 to correct antecedent basis only.

Accordingly, Applicants respectfully request that the rejection of claims 30-32, 34, 44-

46, 48, 58-60, 62, 76, 86-88, and 90 under 35 U.S.C. § 112 be reconsidered and

withdrawn.

Rejections under 35 U.S.C. § 101

The Examiner has rejected claims 21-48 and 77-90 under 35 U.S.C. § 101 as

allegedly being directed to non-statutory subject matter. Applicants respectfully traverse

this rejection, and request that it be withdrawn.

The USPTO has established new guidelines for the examination of patent

applications. These guidelines, titled "Interim Guidelines for Examination of Patent

Applications for Patent Subject Matter Eligibility" (hereinafter "Interim Guidelines")

were posted on the USPTO website (at http://www.uspto.gov/web/offices/pac/dapp/opla

/preognotice/guidelines101_20051026.pdf) on October 26, 2005, which is subsequent to

the issue date of the present Office Action. The Interim Guidelines state, in part:

> In Ex parte Lundgren, Appeal No. 2003-2088,
> Application 08/093,516, (Precedential BPAI opinion
> September 2005), the Board rejected the examiner's
> argument that Musgrave and Toma created a technological
> arts test. "We do not believe the court could have been any
> clearer in rejecting the theory the present examiner now
> advances in this case." Lundgren, at 8. The Board held that
> "there is currently no judicially recognized separate
> "technological arts" test to determine patent eligible
> subject matter under § 101." Lundgren at 9.
> USPTO personnel should no longer rely on the
> technological arts test to determine whether a claimed
> invention is directed to statutory subject matter. There is
> no other recognized exceptions to eligible subject matter
> other than laws of nature, natural phenomena, and abstract
> ideas.

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(Interim Guidelines, page 45). As shown above, the Interim Guidelines state that USPTO personnel should no longer rely on the technological arts test to determine whether a claimed invention is directed to statutory subject matter. Thus, the statement in the present Office Action that claims 21-48 are "not tied to a technological art" is no longer relevant, and this portion of the rejection is now moot.

Furthermore, with regard to claims 21-48, Applicants assert that that claimed invention produces a concrete, useful, and tangible result. For example, independent claims 21 and 35 recite outputting second and fourth groups of documents. Thus, claims 21-48 produce a concrete, useful, and tangible result, and form the basis of statutory subject matter under 35 U.S.C. § 101.

With regard to claims 77-90, the Office Action states that the "claimed devices comprise only logic and [are] directed to an arrangement of software, per se, Claims 77-90 are therefore rejected as not being tangible." So that Applicants have the opportunity to respond to this assertion, Applicants respectfully request clarification of this comment, in particular, as to why the logic recited in device claims 77-90 is *per se* software, and cannot read on hardware logic. See M.P.E.P. § 2144.03. The recitation of logic in device claims 77-90 is intended to read at least on hardware logic, as is typically expected for similar device claims reciting logic.

Hence, for at least the reasons stated above, Applicants assert that each of the claims 21-48 and 77-90 is directed toward statutory subject matter. Accordingly, Applicants respectfully request that the rejection of claims 21-48 and 77-90 under 35 U.S.C. § 101 be reconsidered and withdrawn.

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Rejections under 35 U.S.C. § 102

In the Office Action, the Examiner has rejected claims 21-90 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent 5,721,910 to Unger *et al.* (herein referred to as "Unger"). (See Office Action, page 4). Applicants respectfully traverse the rejection below.

Independent Claims 21, 35, 49, 63, and 77

For the Examiner's convenience, independent claim 21, as amended, is reproduced below:

> 21. A method of enabling a user to organize and analyze information, comprising:
> searching an input first group of documents to output a second group of documents;
> analyzing an input third group of documents according to one or more analytical functions to output a fourth group of documents; and
> **selectively iterating at least one of the searching and at least one of the analyzing, wherein each iteration of the searching or the analyzing is performed using as the input one of the second group, the fourth group, or the output of a previous iteration.**

Unger does not teach or suggest each and every element, limitation, and/or feature of independent claim 21, as amended. For example, Unger fails to teach or suggest "selectively iterating at least one of the searching and at least one of the analyzing, wherein each iteration of the searching or the analyzing is performed using as the input one of the second group, the fourth group, or the output of a previous iteration."

Unger teaches a unidirectional process that cannot be selectively iterated. Each stage of Unger's six stage unidirectional process takes distinct inputs, which are different in form from each of its other stages, and therefore the output of one stage of Unger

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cannot be arbitrarily applied as an input to another stage of Unger (See Unger, FIG. 1 and accompanying text). Hence, the output of a later stage cannot be applied as an input to an earlier stage. For example, the output of stage 5 of Unger cannot be applied as an input of stage 2 of Unger. Unlike Unger, Applicant's claimed invention as recited in independent claim 21 allows, for example, an "iteration of at least one of the searching and at least one of the analyzing is performed using as the input one of the second group, the fourth group, or the output of a previous iteration."

To the extent that a subsequent Office Action may again allege that features highlighted by the Applicants as being neither taught nor suggested by Unger are not recited in the claimed invention, the Applicants respectfully provide the following remarks. The Examiner has alleged, in particular, that a feature providing for "the output of one stage can be applied as an input to a previously executed stage" is relied upon by the Applicants but not recited in the previously presented claims. (See Office Action, pages 7-8). Without acquiescing to the propriety of Examiner's allegations, Applicants note that amended independent claim 21 now more clearly recites this feature, for example, by providing for "selectively iterating at least one of the searching and at least one of the analyzing, each iteration of the searching or the analyzing is performed using as the input one of the second group, the fourth group, or the output of a previous iteration." Amended independent claim 21 now more clearly recites that for a subsequent iteration of the searching *and* for a subsequent iteration of the analyzing, the output of a prior search or a prior analysis may be used as input.

For at least the reasons stated above, independent claim 21 is patentable over Unger. Furthermore, independent claims 35, 49, 63 and 77 are patentable over Unger for

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at least these reasons, in addition to the elements, limitations, and/or features recited respectively therein. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 21, 35, 49, 63, and 77 and allowance thereof.

Claims 22-34, 36-48, 50-62, 64-76 and 78-90

Each of claims 22-34, 36-48, 50-62, 64-76 and 78-90 depends from one of the independent claims 21, 35, 49, 63, and 77 and is patentable over Unger for at least the reasons stated above with regard to their respective independent claim, in addition to the elements, limitations, and/or features recited respectively therein. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 22-34, 36-48, 50-62, 64-76 and 78-90, and the allowance thereof.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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